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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,010	06/04/2002	George J. Vlahos		7211
7590 George J Vlahos 8549 Heather Court St John, IN 46373			EXAMINER	
			JOHNSON III, HENRY M	
			ART UNIT	PAPER NUMBER
			3739	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,010	VLAHOS, GEORGE J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Henry M. Johnson, III	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 December 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 16-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 June 2002 is/are; a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

Applicant's arguments filed December 6, 2006 have been fully considered but they are not persuasive. No arguments were provided. The amendment to claim 6 citing the downward projection of the ultraviolet rays is anticipated by Spierer and the position of the lamps is unpatentable over Spierer.

***Claim Objections***

The claims are objected to because they include reference characters that are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

The word "area" in line 5 of claim 6 should be "are".

Claim 12 is objected to as it is indicated as "original", yet the original claim has been replaced by a reiteration of claim 13.

***Claim Rejections - 35 USC § 112***

Claims 7-10 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the ultraviolet ray-generating means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 8 recites the limitation "the ultraviolet ray-generating means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the ultraviolet ray-generating means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the ultraviolet ray-generating means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the ultraviolet ray-generating means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the ultraviolet ray-generating means" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the ultraviolet ray-generating means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,460,543 to Spierer. Spierer discloses an ultraviolet ray toilet seat comprising a seat pivotally supported on brackets mounted upon the back portion of a toilet bowl, the seat being constructed of material adapted to readily transmit ultraviolet light (Col 2, lines 6-15). A U-shaped ultraviolet tube is positioned within a recess in the seat and is thus positioned to expose the buttocks of one seated thereon (Col. 2, lines 17-20). The bottom of the recess is closed by

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a filler of the same transparent material as the seat to transmit the ultraviolet light (Col. 2, lines 35-41), thus allowing the light to project downward into the bowl. The U-shaped tube clearly provides the light source at both sides and the rear portion of the seat. Spierer discloses the claimed invention except for two separate lights on opposite sides of the seat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use multiple lights to provide the same exposure as the single ultraviolet tube, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 7, the limitations are related to intended use rather than structure of the device and are given limited patentable weight. Spierer is capable of tanning areas exposed to the UV light as such light is known for use in tanning.

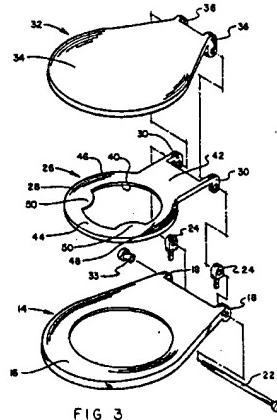
Regarding claim 9, a portion of the ultraviolet tube is positioned at the rear of the seat.

Regarding claim 10, the translucent seat is interpreted as a transparent waterproof cover for the ultraviolet light therein.

Claim 11 is rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 2,460,543 to Spierer in view of U.S. Patent 5,384,917 to Epling. Spierer is discussed above, but does not teach a second seat between the main seat and the cover. Epling teaches an auxiliary child's toilet seat (Fig. 3, # 46) that is mounted between a main seat (Fig. 3, # 16) and a cover (Fig. 3, # 34). The child's seat may be moved out of the way when not needed or desired.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the UV lights on an auxiliary seat as taught by Epling in the invention of Spierer to provide the option of a lighted or non lighted seat to the user.



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Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,460,543 to Spierer in view of U.S. Patent 5,263,209 to Pattee. Spierer is discussed above, but does not teach lights mounted on the rim of a toilet bowl. Pattee teaches mounting a series of electrical lamps in a moisture impermeable, transparent tube, positioned under an upper rim of a toilet bowl (Col. 2, lines 8-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the bowl mounting as taught by Pattee in the invention of Spierer as an alternative mounting location that provides additional protection from damage for the lights.

Japanese patent JP 406197848A to Tanaka also teaches UV lamps mounted within a toilet main body. Although it is not relied on for a rejection, Tanaka further supports the teachings within the art of UV light sources mounted within a toilet bowl. It is proper to take into consideration not only the teachings of the prior art, but also the level of ordinary skill in the art. In re Luck, 476 F.2d 650, 177 USPQ 523 (CCPA 1973). Specifically, those of ordinary skill in the art are presumed to have some knowledge of the art apart from what is expressly disclosed in the references. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962).

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,460,543 to Spierer in view of U.S. Patent 6,385,782 to Schneider. Spierer is discussed above, but does not teach a removable seat between the main seat and the cover. Schneider discloses a transportable and foldable toilet seat attachment device for use with a conventional toilet, the toilet including a bowl with an upwardly facing rim onto which is pivotably engaged a conventional toilet seat cover (abstract). The seat is constructed of two arcuate portions and hinges are provided which are constructed as an integral part of the attachment seat material and are more specifically narrowed and hinged interconnections which permit the arcuate portions to pivot between the unfolded position to a folded position (Col. 5, lines 13-18). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to use the portable seat as taught by Schneider in the invention of Spierer for mounting the lights to provide for the use of the specialized seat on any available toilet.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

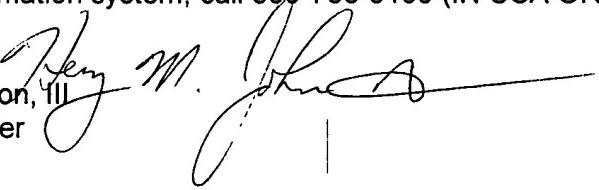
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M. Johnson, III whose telephone number is (571) 272-4768. The examiner can normally be reached on Monday through Friday from 6:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Henry M. Johnson, III  
Primary Examiner  
Art Unit 3739



HENRY M. JOHNSON, III  
PRIMARY EXAMINER